



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
)  
J. Michael Drake et al. ) Art Unit: 2863  
)  
Application No. 10/610,503 ) Examiner: John H. Le  
)  
Filed: June 30, 2003 )  
)  
For: METHOD AND APPARATUS FOR )  
PERFORMING TEMPERATURE )  
COMPENSATION FOR A PAYLOAD )  
MEASUREMENT SYSTEM )  
)  
Attorney Docket No. 03-181 )  
\_\_\_\_\_ )

Peoria, Illinois 61629-6490

December 9, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO TRAVERSE  
REJECTION (37 CFR 1.132)

Sir,

The purpose of this declaration is to traverse the rejection under 35 U.S.C. 102(e) with a showing under 37 CFR 1.132 that the invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another".

Declaration of Kevin J. Lueschow Under 37 CFR 1.132

I, Kevin J. Lueschow declare as follows under penalty of perjury.

1. I am currently and have been an Employee of Caterpillar Inc. since 1988.
2. I am an Engineer for Caterpillar Inc. and am an inventor of the Invention claimed in U.S. Patent 6,552,279 issued on April 22, 2003.
3. I am also a Co-inventor of the Invention claimed in U.S. Patent Application Serial Number 10/610,503.
4. Both of the Inventions in U.S. patent 6,552,279 and Patent Application Serial Number 10/610,503 were derived as a result of Caterpillar's efforts in developing payload measurement systems.
5. Both of the Inventions in U.S. patent 6,552,279 and Patent Application Serial Number 10/610,503 were/are commonly owned by Caterpillar Inc. and is thus not the invention "by another".
6. I am an inventor of both of the Inventions in U.S. patent 6,552,279 and Patent Application Serial Number 10/610,503 and thus they are not the invention "by another".

12/08/04  
Date

Kevin Lueschow  
Kevin J. Lueschow